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December 7, 2021

BY ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *United States v. Marc Demane Debih*,
S3 18 Cr. 184-01 (DLC)**

Dear Judge Cote:

We write respectfully on behalf of Defendant Marc Demane Debih in advance of the sentencing hearing, which is scheduled for 3:00 p.m. on December 10, 2021, to raise with the Court one issue with respect to the Sentencing Guidelines calculations set forth in the final Presentence Investigation Report (“PSR” or “Presentence Report”) submitted by the Probation Department.

We understand that as part of the Court’s standard sentencing colloquy, Your Honor inquires whether the defense has any objections to the Presentence Report beyond those set forth in the sentencing submissions. As noted in the final Presentence Report (at pp. 24-25) Mr. Debih objected to certain Guidelines offense level calculations at paragraphs 59 and 60 in the preliminary Presentence Report. The Government concurred with Mr. Debih’s objections to certain of the enhancements recommended by the Probation Office as well as the appropriate Guideline to be applied to the offense conduct. Nevertheless, the Probation Office rejected the parties’ objections and proposed revisions to the recommended sentencing Guidelines calculation, resulting in a recommended total offense level of 32.

We write to make clear that Mr. Debih does not intend to expand the objections beyond those set forth in the Presentence Report at sentencing, but rather agrees with the Government that the appropriate Guideline is U.S.S.G. § 2B1.4, resulting in a total offense level of 29. We do note,

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however, that the Probation Office recommended a sentence of time-served notwithstanding the higher Guidelines calculation at which it arrived, and for the reasons set forth for Mr. Debih's sentencing submission and those in the Government's 5K1.1 motion, we respectfully submit that such a sentence is appropriate, regardless of which calculation the Court adopts.

As always, the undersigned are available to answer any questions the Court may have.

Respectfully submitted,

/s/ Sean S. Buckley

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